

OREGON TRIAL LAWYERS ASSOCIATION

812 SW Washington Street, #900

Portland, OR 97205

www.oregontriallawyers.org

503-799-1017

Testimony of Arthur Towers

OTLA Political Director

In Opposition to Senate Bill 309

Before the Senate Committee on Judiciary

January 18, 2023

Chair Prozanski, Vice-Chair Thatcher, members of the committee. Thank you for the opportunity to submit testimony on SB 309.

SB 309 changes publication of notice in a probate from once in each of 3 consecutive weeks to once only. If a person causes a car crash or other type of injury that results in a lawsuit, then dies, and did not notify DMV or any applicable insurer, then this lessens the chance that the person they harmed will know of the death and the four-month window to make claim against the estate of the deceased.

If the person injured misses the deadline to make a claim against the estate, then they may possibly be only able to recover up to the limits of an applicable insurance policy, not from any excess assets. This bill will almost exclusively harm severely injured Oregonians since people with lesser injuries would likely be fully compensated with the insurance policy.

To be clear, in most instances the personal representative of the estate will know to contact the injured person directly and is already required to do so, but there are handfuls of cases in which this is not the situation.

One possible solution is to carve out of the notice class people who have pending litigation against the deceased or the estate. We look forward to working this out with the proponents.